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FM USMISSION USUN NEW YORK
TO RUEHKH/AMEMBASSY KHARTOUM IMMEDIATE 1286
RUEHC/SECSTATE WASHDC IMMEDIATE 5128
INFO RUCNFUR/DARFUR COLLECTIVE PRIORITY
RUEHGG/UN SECURITY COUNCIL COLLECTIVE PRIORITY
RUEHEG/AMEMBASSY CAIRO PRIORITY 0993
RUEHKH/AMEMBASSY KHARTOUM PRIORITY 1287
RUEHNJ/AMEMBASSY NDJAMENA PRIORITY 0349
RUEAIIA/CIA WASHDC PRIORITY
RHEHNSC/NSC WASHDC PRIORITY
RUEATRS/DEPT OF TREASURY WASHDC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 03 USUN NEW YORK 000946

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E.O. 12958: DECL: 10/15/2018
TAGS: [PREL](#) [UNSC](#) [ETTC](#) [SU](#) [PGOV](#)
SUBJECT: UN/SUDAN SANCTIONS: EXPERTS BRIEF COMMITTEE ON
SERIOUS SANCTIONS VIOLATIONS

REF: USUN NEW YORK 000915

Classified By: DEPUTY POLITICAL COUNSELOR ELLEN GERMAIN, FOR REASONS:
1.4(B) AND (D).

¶1. (C) SUMMARY: The Sudan Panel of Experts, a UN-contracted group charged with monitoring the implementation of the Darfur arms embargo and targeted sanctions imposed on Sudan, reported to the Sudan Sanctions Committee on October 10 numerous and serious violations of the sanctions regime. The presentation highlighted violations in the areas of arms, aviation (including Sudan's continued use of aircraft painted white to resemble UN/humanitarian aircraft), Sudan's failure to implement individual targeted sanctions (asset freeze/travel ban), and violations of human rights by rebels and the Government of Sudan. The Panel of Experts offered recommendations to strengthen the regime, expand the arms embargo and mainstream arms embargo monitoring within UNAMID. While most Committee members expressed support for the Panel's findings, others (notably China and Libya) offered skeptical initial reactions, accused the Panel of being unbalanced and challenged individual assertions in the report. The Committee will discuss further the Panel's recommendations after the report is made available in all languages, likely by early November. END SUMMARY.

Experts Report Blatant Violations, Recommend Changes

¶2. (C) The Sudan Panel of Experts (the Panel), on October 10, briefed the Sudan Sanctions Committee on the Panel's final report. (NOTE: The Sudan Panel of Experts is a six-person team of UN contractors charged by the Security Council with monitoring implementation of the Darfur arms embargo and targeted sanctions measures imposed in Sudan. USUN sent a summary of the Panels' final report reftel. END NOTE). The Panel drew to the Committee's attention continuing massive violations of the arms embargo and of human rights, committed by all parties to the conflict. The Panel highlighted that during the last twelve months the GOS continued moving arms and military personnel into Darfur without first seeking Committee approval, as is required by UNSCR 1591. The GOS, they said, also continued to operate military aircraft including UAVs and conduct offensive military overflights. The Panel also highlighted GOS use of aircraft painted white to resemble UN/humanitarian aircraft and Sudan's continued failure to implement targeted sanctions (asset freeze/travel ban) on designated individuals, and Khartoum's continued support to non-State armed groups. The Panel remarked on the openness with which the GOS committed violations. As evidence of this assertion, the Panel observed that the GOS had shipped arms when the GOS was fully aware

that the Panel was present at airports and able to document the transfer.

¶3. (C) The Panel documented numerous violations committed by rebel groups, including the use of recycled weapons and the transfer into Darfur of weapons produced after the Darfur arms embargo was imposed and which had been legitimately sold to States in the region. The Panel also reported human rights violations committed by both sides including attacks on civilians and IDPs, sexual and gender-based violence, attacks on peacekeeping and humanitarian personnel, and an increased occurrence of carjacking and banditry. In its briefing, the Panel repeatedly explained the high standard of evidence that the Panel maintained throughout the reporting period. During its current mandate, the Panel claimed, it had collected more photographic evidence and examined more arms and documentation than in any previous mandate.

¶4. (C) The Panel also outlined for the Committee its recommendations to improve the regime. The Panel's primary recommendation was to expand the arms embargo to include all of Sudan, Chad, and northern Central African Republic. Recognizing the controversy of such action, the Panel asked that in the very least the Committee consider expanding the embargo to areas of eastern Chad and north eastern CAR. The Panel's other recommendations included strengthening the arms embargo monitoring capacity of UNAMID and asking other peacekeeping operations in the region to do greater monitoring; an immediate end to the use of white aircraft by the GOS; and various measures to assist the Panel such as the

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issuing by the GOS of multiple entry visas, clear instructions from the GOS not to harass the Panel, and increased human rights monitoring capability on the Panel.

Committee Members React Along Predictable Lines

¶5. (C) Following the Panel's briefing there was very energetic discussion, with most Committee members welcoming the report and others sharply criticizing it. The United States delegate expressed his appreciation for the Panel's work in dangerous circumstances. In addition to noting the generally balanced nature to the report, he observed the disturbing similarities to last year's report with regard to the GOS' open refusal to implement its obligations. The representatives of the UK, Costa Rica, France, Belgium, Russia, Croatia, Burkina Faso, and the Italian Chair all made similar comments, thanking the Panel for its work and remarking on the quality and professionalism of the report.

¶6. (C) The Chair (Italy) remarked on the wide range of violations the Panel reported and reminded the Committee of its responsibility to ensure the implementation of sanctions resolutions. He expressed his hope that Committee members would generate recommendations beyond those suggested by the Panel. The UK delegate noted that the Panel had provided many less contentious but important recommendations that the Committee could and hopefully would act on. The Croatian delegate thanked the Panel for shedding light on UNAMID's inability to defend and protect the most vulnerable populations. The Russian and Burkinabe delegates both recognized there have been severe violations of the resolutions and expressed a willingness to discuss recommendations, but only after their capitals received translated versions of the report.

¶7. (C) The China delegate said that she must call into question the professionalism of the report, finding it "unbalanced" and "lacking in evidence." She expressed China's belief that the Panel placed blame and made irresponsible references to China, including accusing Beijing of selling military vehicles to the GOS when in fact, besides the sale being completely legal, in China these vehicles are used for

the civilian purpose of carrying coal. China was further frustrated that the Panel alleged that the Chinese government (GOC) did not respond to its requests for information, stating that the GOC has always and will always cooperate with the Panel but that the Sichuan earthquake and the Olympics have made 2008 a busy year for the GOC. Libya said it was also concerned about the balance of the report and that some of the language used by the Panel irresponsibly implied "genocide" had been committed. The Panel responded that the report contains facts without any other intended implications, and that the mention of any state in the report did not imply violation. The Panel said it intends to follow all leads and present all its findings. Indonesia expressed disappointment that the report did not contain more information on financial networks that support rebel groups. The Panel regretted not being able to fully investigate such networks and hopes that future Panels will include an individual who can focus specifically on financial networks.

¶8. (C) Many Committee members expressed particular alarm at the Panel's report of GOS use of white aircraft, which resembled UN/humanitarian aircraft and thereby put international personnel at risk. The one exception was the Libyan delegate, who expressed his belief that the Panel's information on the white aircraft was ambiguous, it did not for example, state whether the planes were white to begin with. Several members, including the United States asked the Panel to explain the GOS' justification, if any, for painting aircraft white. The UK delegate commented that what he assumed to be the true answer to this question, namely the GOS intending its aircraft to be confused with humanitarian aircraft, was exceptionally worrying. According to the Panel, the GOS had not offered an explanation for the white paint other than to convey its belief that it had a right to paint aircraft in whatever manner it chose. The Panel explained that the white military helicopters were indistinguishable from UN and humanitarian helicopters, and could confirm through first hand experience that UN helicopters had come under fire from rebels believing them to be GOS military

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aircraft. The French delegate said that the use of white aircraft is unacceptable, and that the Committee must do something to address this issue.

¶9. (C) Several Committee members asked the Panel whether their recommendations -- especially involving the expansion of an arms embargo monitoring role for UNAMID -- were indeed practical. South Africa and Costa Rica asked the panel to explain why they wished to give greater monitoring capability of UNAMID and how this would be done. The Panel explained that as a group of only six people, effective monitoring of the embargo was far beyond its ability, and that UNAMID's mandate already includes embargo monitoring. The Panel said there was a great opportunity to improve the analytical capability of UNAMID to monitor the embargo and to address the challenge posed by Sudan's porous border by increasing information sharing within UNAMID itself and between UNAMID and other missions in the region.

¶10. (C) Several members asked the Panel to speculate as to the extent of the GOS' understanding of its obligations under the sanctions regime and its political will to meet those obligations. The Panel responded that conversations with GOS officials in which the officials denied violations despite the Panel's evidence lead the Panel to conclude that the GOS is well aware of its obligations. The Panel, however, would not speculate on the political will of the GOS to fulfill its obligations, and suggested the Committee contact the GOS on this issue.

Next Steps

¶11. (C) The Italian chair of the Sudan Sanctions Committee would like to reconvene the Committee to more formally discuss the Panel's recommendations as soon as possible. Many committee members requested that this discussion occur after capitals have had a chance to see translated versions of the report. Due to the time requirements of UN translation services, this meeting will likely not take place before early November.

Wolff